

From: Patricia Eng
To: Ebailey@dhs.ca.gov
Date: 11/24/03 10:14AM
Subject: Your Question on NRC and EPA ANPR

Good morning Mr. Bailey.

My name is Patricia Eng. I am currently on a rotation in NRC's Office of State and Tribal Programs and am responding to a question you posed to Paul Lohaus, Director of the Office of State and Tribal Programs.

My understanding is that you wanted to know what, if anything, NRC was doing in response to EPA's recent Advance Notice of Proposed Rulemaking on an "Integrated Framework for Management and Disposal of Low-Activity Radioactive Waste." On the same day that EPA published their ANPR, NRC published a notice announcing publication of the ANPR which suggested that persons interested in NRC matters might also be interested in looking at EPA's ANPR.

NRC worked closely with EPA staff during the development of the ANPR language. In fact, we included three possible regulatory actions that NRC might take should EPA decide to revise their regulations to permit disposal of low activity radioactive waste, mixed or non-mixed, in a RCRA Subtitle "C" facility. The three options are discussed in the ANPR itself, however in brief, they are: 1) license the RCRA Subtitle "C" facility under the current 10 CFR Part 61 criteria; 2) work with EPA to issue a General License for RCRA Subtitle "C" facilities meeting specific criteria (note that this is still in the conceptual phase); and 3) depending on the type and amount of radioactive material, issue exemptions.

The discussion of the three NRC options may be found on page 20 of the Federal Register notice on the EPA web site. (Alternatively at 68 FR 65138 November 18, 2003)

Please note that NRC, at this time, has no immediate plans to pursue any of these options. Future actions will greatly depend on EPA's reactions to the comments received from the ANPR. For your information, EPA has a detailed discussion on the subject of mixed waste and links to the Federal Register on their web site at: <http://www.epa.gov/radiation/larw/anpr.htm>

The NRC announcement may be found at:
[http://frwebgate6.access.gpo.gov/cgi-bin/waisgate.cgi?WAISdocID=68430653808+0+0&WAIAction=trieve](http://frwebgate6.access.gpo.gov/cgi-bin/waisgate.cgi?WAISdocID=68430653808+0+0&WAIAction=retrieve)

All comments regarding the ANPR should be sent to Dan Schultheisz of the EPA since he is the EPA project manager for this effort. Mr. Schultheisz may be contacted at: schultheisz.daniel@epamail.epa.gov

Should you have any questions other than comments on the ANPR content, please feel free to contact me.

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CC: Dan Schultheisz; Gwendolyn Davis; Josephine Piccone; Kathaleen Kerr; Osiris Siurano-Perez; Paul Lohaus; Sandra Wastler

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